

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND HENLEY CAMPBELL,

Plaintiff,

v.

Case No. 10-13098
Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER GRANTING DEFENDANT'S MOTION TO ALTER OR
AMEND JUDGMENT UNDER RULE 59(e)**

Plaintiff applied to the Social Security Administration for supplemental security income benefits on July 27, 2005, alleging that he became disabled on June 12, 2005. The Commissioner of Social Security (“Commissioner”) found that Plaintiff was disabled from June 12, 2005 through February 5, 2007, but that a medical improvement related to the ability to work rendered him not disabled from February 6, 2007 forward. On August 5, 2010, Plaintiff initiated this lawsuit to challenge that decision. Thereafter, the parties filed cross-motions for summary judgment. In an opinion and order issued on June 1, 2011, this Court granted Plaintiff’s motion, denied the Commissioner’s motion, and remanded the matter to the Commissioner for an award of benefits. Presently before the Court is the Commissioner’s motion to alter or amend the judgment, filed pursuant to Federal Rule of Civil Procedure 59(e) on June 29, 2011. Plaintiff filed a response to the motion on August 25, 2011.

Motions to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e) may be granted only if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice. *GenCorp., Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). For the reasons set forth in Defendant's motion, this Court concludes that it committed a clear error of law in finding no substantial evidence to support the Commissioner's finding that an improvement of Plaintiff's medical impairment occurred as of February 6, 2007. Absent this error, the Court should have denied Plaintiff's motion for summary judgment, granted the Commissioner's motion for summary judgment, and entered a judgment in favor of the Commissioner. To correct this error, the Court is, on this date, entering an amended judgment.

Accordingly,

IT IS ORDERED, that the Commissioner's motion to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e) is **GRANTED**.

Date: October 26, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

David M. Stewart, Esq.
AUSA Lynn M. Dodge
Magistrate Judge Charles E. Binder